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C O N F I D E N T I A L SECTION 01 OF 04 CAIRO 000761

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E.O. 12958: DECL: 02/01/2015

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SUBJECT: EGYPT: UPDATE ON THE ARREST OF OPPOSITION LEADER
AYMAN NOUR

REF: A. CAIRO 713

[1](#)B. CAIRO 662

Classified by Charge Gordon Gray for reasons 1.4 (b) and (d).

Summary

[1](#)1. (C) The Embassy has raised strong USG concerns about the arrest and detention of opposition party leader Ayman Nour (reftels) with a variety of GOE contacts at both senior and working levels. Reactions have ranged from mute to mildly defensive. The Embassy has also been working with Chiefs of Mission and counterpart political officers of western embassies, urging them to join the U.S. in raising strong concerns about the negative signal about democracy the GOE is sending through Nour's arrest. On the public diplomacy front, the Embassy has posted A/S Boucher's remarks at the January 31 press briefing on its website and is actively directing journalists and other contacts to the excerpt.

[1](#)2. (C) A key figure in Nour's Ghad party told us he found the arrest and detention deeply demoralizing, while Ghad Party Secretary-General Mona Makram Ebeid was quoted in the press

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"opposing foreign intervention" in the case. A senior judicial contact was strongly critical of the GOE's handling of the case, which, he asserted, was riddled with irregular and extraordinary legal procedures. At least two Egyptian NGOs have condemned the arrest, with one prominent human rights group publicly accusing the GOE of torturing Nour.
End summary.

Embassy Raising Concerns with the GOE

[1](#)3. (C) Hours after news of Nour's January 29 arrest broke, the Ambassador expressed strong concerns about the development with Sami Saad Zaghoul, Chef de Cabinet for Prime Minister Ahmed Nazif. The following morning, on January 30, poloff took advantage of a previously scheduled meeting with the Assistant Minister of Justice to express concerns and warn that the Nour case had the potential to become an irritant in the bilateral relationship (ref B).

[1](#)4. (C) On February 1, the Charge registered USG concerns about Nour's detention with Presidential spokesman (and de facto national security advisor) Soliman Awad on February 1. Awad tersely replied that he had seen a transcript of Richard Boucher's comments on January 31 and had nothing further to say, at which point he ended the conversation.

[1](#)5. (C) Also on February 1, ECPO Counselor raised the arrest with Karim Haggag, top aide to presidential son and NDP Policies Committee Chair Gamal Mubarak. Haggag cautioned the USG to not jump to conclusions before all the facts of the case are known. He argued that forgery of official documents is a serious accusation and must be investigated thoroughly. When ECPO Counselor questioned the use of the state security apparatus to address accusations of criminal (rather than terrorist) behavior, Haggag replied that, if the charges are found to be legitimate, the case will be pursued through the criminal justice system, not the state security system. At the close of the conversation, Haggag conceded that he did not rule out "a political motivation" for the arrest while still insisting that there is substance to the forgery charges. He acknowledged that it was important for the GOE to approach the case transparently and resolve the accusations quickly.

[1](#)6. (C) Comment: Haggag, who previously served at Egypt's Embassy in Washington, falls solidly within the reformist camp. Our impression was that Haggag was uncomfortable addressing the topic and fell back on the party line, admitting to possible political motivations for the arrest

only obliquely and after strongly defending the merits of the case. Haggag's conviction that there is something to the forgery accusations was undermined by his ignorance of some details, such as the number of signatures required for the political party's registration and the number that Nour is accused of having forged. End comment.

17. (C) ECPO Counselor (also on February 1) followed up on the Ambassador's earlier conversation with Dr. Sami Saad Zaghloul, Secretary General of the Cabinet. Zaghloul took our points on board but had little substantive reaction. He said that credible accusations of forgery had been made and that the People's Assembly had little choice but to waive immunity and the justice system had little choice but to investigate and, if appropriate, press charges.
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18. (C) Also on February 1, Poloff contacted Ehab Gamaledin, Assistant Foreign Minister for Human Rights Affairs, Col. Hatem Fathy, an aide to the Minister of the Interior (MOI), and Dr. Iskandar Ghattas, Assistant Minister of Justice, to register the USG's strong concerns about Ayman Nour's arrest and detention. Gamaledin responded that Nour's case was a legal matter - "we don't interfere with the courts," he stated. Poloff told Gamaledin that Washington saw the issue as one involving human rights, political freedom, and Egypt's commitment to democracy.

19. (C) The MOI's Col. Fathy advised poloff that he had already seen A/S Boucher's remarks. Fathy sought clarification on poloff's remark that the USG saw Nour's arrest as a step backward: "In terms of our relationship, or in terms of the process of political reform?" he asked. Poloff said the arrest was a step backward especially in terms of political reform, but underscored that this issue was intertwined with the quality of our overall bilateral relationship. Fathy asserted that Egypt's police and security apparatus was not driving policy in Nour's case. Rather, Fathy stated, Egyptian police were merely enforcing arrest warrants and judicial orders. Fathy promised to pass on U.S. concerns as relayed by poloff to colleagues in the MOI. (Comment: We believe this message will reach the Minister, General Habib al-Adly. End comment.)

110. (C) Assistant Minister of Justice Ghattas (protect), with whom we had raised the case on January 30, told poloff "since this is a case with political dimensions you should raise it with the Foreign Ministry."

Discussions with Like-minded Diplomats

111. (C) The Charge also raised the Nour case with the UK Ambassador (as president of the G-8) and the Dutch Charge (in separate discussions) on February 1. The UK Ambassador immediately agreed to put the issue on the agenda of the previously-scheduled G-8 meeting he is hosting on February 6. The Dutch Charge said that the EU DCMs in Cairo were recommending a demarche to the MFA by the EU Troika to voice concern about the detention and to note the inconsistency with recent positive statements and steps regarding political reform. He expected that (after delivering the demarche) the EU would issue a press statement in Cairo, The Hague, Luxembourg, or some combination thereof. The Dutch Charge noted that this proposed course of action (as well as the statement) would need to be cleared by all 25 members of the EU.

112. (C) The British Embassy hosted on January 31 a meeting of "the like-minded group" which includes political officers from G-8 states plus Australia, Denmark, Norway, Sweden, the Netherlands, and the EU. Poloff affirmed that the U.S. was very concerned about Nour's case, which sends a terrible signal about Egypt's commitment to democracy, and urged colleagues to register their countries' strong concerns with their GOE contacts. Most of the diplomats indicated they would be seeking guidance from their respective capitals, but poloff urged that they call their contacts to flag the case informally, even before they receive official instructions.

Public Diplomacy

112. (SBU) We have posted A/S Boucher's comments prominently on our internet web-page and are actively directing journalists and other contacts to read it. Both Egyptian and western journalists, including reporters from Reuters and Newsweek, have been inquiring with us about the case.

Reactions from The Ghad Party

13. (C) Hisham Kassem (protect), publisher of the liberal daily al-Masry al-Yom and Assistant Secretary-General of Nour's Ghad Party, described Nour's arrest as a "devastating blow" to party members and others aspiring to a democratic future to Egypt. "This has made me, for the first time in years, consider leaving Egypt," he stated. On the motives behind Nour's arrest, Kassem had no doubt that they were political, but nonetheless conceded the arrest had taken him by surprise and left him in shock. Kassem theorized that Nour "may have crossed the red line" in his reaction to the invitation to the January 31 dialogue between the ruling National Democratic Party (NDP) and opposition parties
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(reported septel), when he suggested that since all other parties would be represented by their heads, the NDP's chair should be filled by President Mubarak, so that all party leaders could speak to each other "as equals." Kassem added that he thought President Mubarak might be afraid of losing control in a democratization scenario and becoming a "Pinochet figure," facing calls for "accountability for 25 years of mismanagement and torture." Kassem added that he was heartened by foreign expressions of support so far, "including an E-mail from (NSC Senior Director) Elliott Abrams."

14. (C) In Ayman Nour's absence, Ghad Party Secretary-General Mona Makram Ebeid represented the party at the January 31 dialogue. Ebeid announced in advance that she would not be raising Nour's arrest at the meeting, but would rather stick to the agreed upon agenda. Ebeid was quoted in January 31 report by MENA, Egypt's official news agency, as opposing foreign intervention in Nour's case. Ebeid told a Dutch diplomat that the Ghad party would prefer no foreign intervention on Nour's behalf, but added that if the EU was going to make a statement, she would be unable to stop it. The Dutch diplomat told poloff he read this as code language welcoming foreign expressions of concern, even though she needs plausible deniability for public consumption.

15. (C) Hisham Kassem told us that "probably according to the GOE's plan" there are already deep divisions emerging within the Ghad party leadership over how to handle the crisis, and implied that he differed with Mona Makram Ebeid's approach. Similarly, a brief January 31 exchange with Nour's wife Gamila Ismail (who also holds a position in the Ghad Party) left poloff with the impression that she was uncomfortable with Ebeid's public guidance that foreigners should keep their distance from the case.

Judicial/Legal Irregularities

16. (C) Poloff spoke on February 1 with a judicial contact, a senior judge at the Cairo Higher Court of Appeals. The judge was extremely critical of the GOE's handling of the case, saying it violated legal norms and standard procedures. First he noted the speed with which the Government moved, from stripping Nour of immunity on a Friday, to arresting him on Saturday, to issuing a 45-day detention order on Monday, was all out of the ordinary. Second, the judge noted, there have been numerous other instances in which members of parliament have been accused of crimes and subject to investigation without immediately stripping them of parliamentary immunity. Third, the judge noted, had he been presiding at the arraignment, he would have granted Nour bail, as, particularly given his high public profile, he poses little flight risk. Detaining him is purely punitive, he opined.

17. (C) Ministry of Justice contacts advise us that although a State Security Prosecutor is presiding over Nour's case, he is actually being referred to the regular court system (rather than an extraordinary court convened under the emergency law). In this case, our contacts tell us, the State Security Prosecutor "has been given special jurisdiction...because they have experience handling politically sensitive cases...and can make appropriate adjustments."

NGOs Cry Foul

18. (C) At least two Egyptian human rights NGOs have issued

statements publicly condemning the GOE's arrest of Nour. On January 31, the Egyptian Organization for Human Rights (EOHR) issued a press release entitled "EOHR criticizes the torture of Ayman Nour and demands his immediate release." In the statement, EOHR alleges that Nour was roughed up at the time of his arrest, thrown to the ground, hit in the face and punched repeatedly in the back. At the police station, the statement contends, Nour was shackled to a door frame and forced to bend for an extended period. EOHR also noted and condemned the arrest of Nour's law partner Ayman Barakat, who is reportedly facing the same charges. On January 30, the Arab Center for the Independence of the Judiciary issued a brief statement condemning the "cruel and humiliating treatment" Nour had suffered at the hands of police.

Comment

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[1](#)19. (C) We expect a nationalist backlash and accusations of "interference in Egypt's internal affairs" to begin tomorrow, after Cairo journalists have had time to absorb and react to A/S Boucher's January 31 responses at the noon press briefing. End comment.

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<http://www.state.sgov.gov/p/nea/cairo>

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State Department's Classified SIPRNET website.
GRAY